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Notice of Issuance of Decisions and Orders From the Week of November 13 Through November 17, 1995

During the week of November 13 through November 17, 1995, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: September 5, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.

Appeal

Knolls Action Project, 11/13/95, VFA-0093

Axtell-Bern Summerfield Schls. et al	RF272-96238	11/14/95
Bear River Valley Coop. et al	RF272-97054	11/14/95
Ferraro Transportation Co. Inc et al	RF272-89202	11/14/95
Gulf Oil Corporation/The Kiesel Co.	RF300-16954	11/14/95
Joed, Inc.	RF300-16973

Knolls Action Project (KAP) filed an Appeal from a determination issued to it by the Office of Naval Reactors (NR) of the Department of Energy (DOE). In its Appeal, KAP asserted that NR improperly failed to grant it a fee waiver regarding documents it requested pursuant to four Freedom of Information Act (FOIA) Requests it submitted. In its Requests, KAP requested various documents pertaining to the shipment and management of spent nuclear fuels from U.S. Naval vessels and that it be granted a fee waiver for the costs associated with the processing of its Requests. In its determination letter, NR denied KAP's fee waiver Request. In its Appeal, KAP argued that it fully met each of the requirements for a fee waiver. After a *de novo* review, the DOE determined that KAP was eligible for a fee waiver regarding certain portions of one of its FOIA Requests and was properly denied a fee waiver regarding the remainder of its Requests.

Personnel Security Hearing

Albuquerque Operations Office, 11/14/95, VSA-0023

Upon review, the Director, Office of Hearings and Appeals, concurred with the Hearing Officer's recommendation in Case No. VSA-0023 that access authorization not be restored to the appellant employee due to his use of marijuana and subsequent concealment of a history drug use. The employee claimed that 1) he was not notified of the results of a drug test; 2) that the drug test violated provisions of the Drug Free

Workplace Act; and 3) that his concealment of drug use was due to immaturity or poor memory. The Director found that the employee had failed to mitigate valid security concerns. The Director also denied a motion for discovery of ethnicity of persons subject to administrative review by the Department of Energy.

Refund Application

Maritime Overseas Corporation, 11/14/95, RF272-97921

The DOE issued a Decision and Order concerning one Application for Refund in the Subpart V crude oil overcharge refund proceeding. The refund application was filed by the Maritime Overseas Corporation. The DOE determined that the Maritime Overseas Corporation was not entitled to a refund since it had filed a Rail and Water Transporters Escrow Settlement Claim Form and Waiver. In that filing, the Maritime Overseas Corporation had requested a Stripper Well refund from the Rail and Water Transporters escrow, thereby waiving its right to a Subpart V crude oil refund. Accordingly, the DOE denied the Application for Refund.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Dismissals

The following submissions were dismissed:

Name	Case No.
A.M. Devencenzi	RF272-98261
Bacon County, GA	RF272-86198
Gordon Transport, Inc.	RF300-12748
Hartnell Plaza Texaco	RF321-20554
Idaho Operations Office	VSO-0058
Phoenix Steel Corp.	RF272-92152
Victor B. Skaar	VFA-0012
Warwick Public Schools	RF272-97913
Watonga, OK	RF272-86205

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